

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

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|--|---|--------------------------------------|
| LARRY R. HARVEY, |) | |
| |) | |
| Plaintiff, |) | Civil Action No.: 5:13cv00074 |
| |) | |
| v. |) | |
| |) | |
| CAROLYN W. COLVIN, |) | By: Hon. Michael F. Urbanski |
| Acting Commissioner of Social Security, |) | United States District Judge |
| |) | |
| Defendant. |) | |

ORDER

This social security disability appeal was referred to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. After a hearing before the Magistrate Judge on the parties' cross-motions for summary judgment, the Commissioner filed a motion to remand. The plaintiff filed an opposition to the motion and requested that the court award benefits instead of remanding the matter for further consideration.

On July 25, 2014, after these post-hearing filings, the Magistrate Judge filed a report and recommendation recommending that the parties' cross-motions for summary judgment be denied, and that the Commissioner's motion for remand be granted. The Magistrate Judge, however, recommends remand pursuant to sentence six of 42 U.S.C. § 405(g), not pursuant to sentence four as the Commissioner requests in her motion to remand. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. The court accordingly hereby **DENIES** the plaintiff's motion for summary judgment, Dkt. No. 9, **DENIES** the Commissioner's motion for summary judgment, Dkt. No. 13, and **GRANTS** the Commissioner's Motion for Remand, Dkt. No. 21. Furthermore, the report and recommendation, Dkt. No. 25, is hereby **ADOPTED in its entirety**, and this matter is **REMANDED** to the Commissioner pursuant to sentence six of 42

U.S.C. § 405(g) for further consideration consistent with the report and recommendation and **STRICKEN** from the active docket of the court.

It is **ORDERED**.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: August 18, 2014

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge